

PLEADING.—*Continued.*

16. Where a defendant declares, that he is entirely ignorant of the matters stated in the bill and leaves the defendant to make out his case, or in words to that effect, and the plaintiff replies, the allegations of the bill are thus put in issue and must be proved. *Ib.*

See BILL OF DISCOVERY, 2, 3.

DEBTOR AND CREDITOR, 2, 3, 12.

INJUNCTION, 6, 11.

PORT, PUBLIC.

See WHARF AND WHARFAGE, 2, 3, 6.

PRACTICE.

1. No injunction can be granted to stay proceedings at law between the same parties, without bond and surety, by the plaintiff in equity to the plaintiff at law, to prosecute the suit in equity with effect. *Walsh v. Smyth*, 1.
2. Where the suit abates by the death of the plaintiff, the injunction not being thereby dissolved, a dissolution can only be obtained by notice to the representatives of the deceased; or, if they are non-residents, or unknown, by notice entered on the docket: or in a course of proceeding between the surviving parties, the suit not having been noticed for some time by the representatives of the deceased. *Ib.*
3. Where in pursuance of a contract for the sale of land, several bonds were given for the payment of the purchase money, they were regarded as one contract; and the consideration, on being impeached, having been sustained in favor of a responding defendant, it was held, to enure to the benefit of a defendant against whom, for not answering on warning by publication, the bill might have been taken *pro confesso*. *Ib.*
4. But although as regards an inseparably joint cause of suit, a good defence by one defendant must enure to the benefit of all; yet, as regards plaintiffs, where there is a ground of relief available for all, the neglect of any one to take advantage of it, will not prevent any others of them from benefiting by it. *Ib.*
5. The answer should, in general, be sworn to; but must be allowed to have full effect, as such, although made by one who is incompetent to give evidence in any case as a witness; or by a defendant who is incapable of making oath. *Salmon v. Clagett*, 106.
6. On discovering, at the hearing, that a party had failed to take some material testimony, the case was, on affidavit, continued, and a commission issued to take the evidence. *Ib.*
7. Where evidence is to be taken, a reasonable time to collect it is allowed as of course. *McKim v. Odom*, 403.
8. The proceeding by publication, on the ground that the defendant does not reside in the State, does not apply to those, such as mariners, who are temporarily absent in their vocation. *Ib.*
9. There can be no substituted service of a subpoena to answer an amended bill upon a solicitor, as against a resident defendant. *Ib.*

PROCESS.

A citizen can only be sued or arrested by civil process in the county in which he resides; but may be taken by an attachment from the High